



PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Stillman LLP (Organization)
Decision number (file number)	P2022-ND-056 (File #022490)
Date notice received by OIPC	May 12, 2021
Date Organization last provided information	May 12, 2021
Date of decision	August 30, 2022
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the individuals pursuant to section 37.1 of the <i>Personal Information Protection Act</i> (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA “organization”	The Organization is an “organization” as defined in section 1(1)(i) of PIPA.
Section 1(1)(k) of PIPA “personal information”	<p>The Organization reported the types of personal information involved are, “<i>Client information from draft affidavits regarding family law litigation - predominately information regarding written descriptions in affidavit form of family disputes.</i>”</p> <p>This information is about identifiable individuals and is “personal information” as defined in section 1(1)(k) of PIPA. To the extent the information was collected in Alberta, PIPA applies.</p>
DESCRIPTION OF INCIDENT	
<input checked="" type="checkbox"/> loss <input type="checkbox"/> unauthorized access <input type="checkbox"/> unauthorized disclosure	
Description of incident	<ul style="list-style-type: none">On January 5, 2021, a laptop containing legal documents of four (4) clients of the firm was stolen from a staff member’s vehicle.The Organization reported “the laptop was password secured.”
Affected individuals	The incident affected 4 clients of the firm whose information was collected in Alberta.

Steps taken to reduce risk of harm to individuals	<ul style="list-style-type: none"> • Reported the incident to the law firm. • Reported the incident to the local police service. • No longer leaving work laptop in the vehicle.
Steps taken to notify individuals of the incident	The affected individuals were notified by letter sent by email on May 12, 2020.

REAL RISK OF SIGNIFICANT HARM ANALYSIS

<p>Harm</p> <p>Some damage or detriment or injury that could be caused to affected individuals as a result of the incident. The harm must also be “significant.” It must be important, meaningful, and with non-trivial consequences or effects.</p>	<p>The Organization reported,</p> <p style="text-align: center;"><i>If the laptop password were broken, personal embarrassment (sic) regarding family disputes and theoretical identity theft of personal information, particularly dates of marriage, separation, and children's birthdates.</i></p> <p>In my view, a reasonable person would consider that the contact and identity information at issue could be used to cause the harms of identity theft and fraud. Personal information related to a family law dispute could be used to cause hurt, humiliation and embarrassment. These are all significant harms.</p>
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<p>Real Risk</p> <p>The likelihood that the significant harm will result must be more than mere speculation or conjecture. There must be a cause and effect relationship between the incident and the possible harm.</p>	<p>The Organization reported,</p> <p style="text-align: center;"><i>As the information in the draft affidavits contained on the laptop were eventually filed with a court and potentially publically available, and have since been made available in filed form to opposing counsel, even if the password of the stolen laptop was cracked and the information obtained, the personal information at risk is limited and unlikely to be capable of being harmful to the individuals.</i></p> <p>In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased because the breach is the result of malicious intent (vehicle break-in and theft). The Organization did not report that the laptop was encrypted or recovered, and can only speculate as to the motives of the thief. The laptop was password protected, but the Organization did not report that it was encrypted.</p>
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DECISION UNDER SECTION 37.1(1) OF PIPA

Based on the information provided by the Organization and given the circumstances of the incident, I have decided that there is a real risk of significant harm to the affected individuals.

The contact and identity information at issue could be used to cause the harms of identity theft and fraud. Personal information related to a family law dispute could be used to cause hurt, humiliation and embarrassment. These are all significant harms.

The likelihood of harm resulting from this incident is increased because the breach is the result of malicious intent (vehicle break-in and theft). The Organization did not report that the laptop was encrypted or recovered, and can only speculate as to the motives of the thief. The laptop was password protected, but the Organization did not report that it was encrypted.

I require the Organization to notify the affected individuals in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation).

I understand the affected individuals were notified by letter on May 12, 2021, in accordance with the Regulation. The Organization is not required to notify the individuals again.

Cara-Lynn Stelmack
Assistant Information and Privacy Commissioner